IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.3317 OF 2005

Saquib Gulam Mustafa Palte ...Applicant

vs.

State of Maharashtra ...Respondent

Mr.Saurabh M. Railkar for the Applicant
Mr.K.V.Saste,A.P.P. for State

CORAM: A.S.OKA,J.
DATE : JUNE 16,2005.

P.C.:

1. Heard Counsel appearing for the parties. The Applicant is the brother of Nasir Gulam Mustaff Palte. F.I.R. was filed on 19th April 2005 by one Zeenat Shahban Shaikh against the Applicant and his brother alleging commission of offences punishable under Sections 376, 418, 504, 506 read with Section 34 of the Indian Penal Code. The allegation in the F.I.R. of commission of offence under Section 376 of the I.P.C. is against the brother of the Applicant. In the F.I.R., the only allegation made against the Applicant is that the Applicant abused the complainant and he threatened the complainant after the offence of his brother was disclosed to him. Except this there is no allegation in the F.I.R. against the Applicant. It is not in dispute that the brother of the Applicant who is the main accused has been arrested and has been enlarged on bail. The application for grant of anticipatory bail made by the Applicant has been rejected by the learned Additional Sessions Judge, Kalyan. The learned Sessions Judge has

observed that considering the relation of the Applicant with the co-accused, there was no case for grant of anticipatory bail. The learned Judge also observed that there was a prima facie case to show the complicity of the Applicant and detailed investigation is required.

2. Having heard the Counsel appearing for the parties, I am satisfied that this a fit case for grant of anticipatory bail. The brother of the Applicant who is the main accused has been enlarged on bail. Considering the only allegation made against the Applicant, this is not a case where custodial interrogation is required.

3. As held by the Apex Court the protection of anticipatory bail will enure to the benefit of the Applicant till the charge sheet is filed and thereafter, the Applicant will be at liberty to make appropriate application before the Regular Court.

4. Hence I pass the following order :

i) In the event of arrest of the Applicant in connection with C.R.No.I-121/2005 registered at Ambernath Police Station, District Thane the Applicant shall be enlarged on bail subject to furnishing P.R.Bond in the sum of Rs.10,000/- (Rupees ten thousand only) with one or two local sureties.

ii) Anticipatory bail is granted on condition that the Applicant will not attempt either directly or indirectly to influence or pressurise the prosecution witnesses and to tamper with the prosecution evidence.

iii) The Applicant will remain present in the concerned Police Station as and when called upon to do so for the purpose of investigation.

iv) This order will enure to the benefit of the Applicant only till the expiry of period of fifteen days from the date of filing charge sheet.

JUDGE